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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates to:

ALL ACTIONS

CASE NO. 3:07-CV-5944 SC

MDL NO. 1917

**DECLARATION OF JORDAN HELLER
IN SUPPORT OF CHUNGHWA PICTURE
TUBES, LTD. JOINDER IN PART TO
DIRECT PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
CONFIDENTIAL DOCUMENTS UNDER
SEAL**

I, Jordan Heller, hereby declare as follows:

1. I am an attorney duly admitted to practice in the State of California. I am an associate at the law firm of Gibson, Dunn & Crutcher LLP, counsel for defendant Chunghwa Picture Tubes, Ltd. ("Chunghwa"), in the above-entitled matter. I have personal knowledge of the matters stated herein, except as to those stated on information and belief, and if called as a witness, I could and would testify competently to them. This declaration is submitted in support of Chunghwa's joinder in part to the Direct Purchaser Plaintiffs' ("Plaintiffs") Administrative Motion to File Confidential Documents Under Seal (the "Administrative Motion") (Dkt. No. 956), filed pursuant to Civil Local Rules 7-11 and 79-5(b).

1 2. Exhibit 8 of the Declaration of Guido Saveri ("Saveri Declaration") (Dkt. No. 957,
2 Manual Filing Notification) consists of documents previously filed as the Declaration of Jeffrey
3 Kessler in Support of Defendants' Motion for Sanctions Pursuant to Rule 11 ("Kessler Declaration")
4 (Dkt. No. 889). The following Chunghwa documents were included in Exhibit 8 of the Saveri
5 Declaration:

- 6 • Chunghwa document CHU00029238-40, report and analysis of meeting of April 14,
7 1999, as well as Chunghwa's English translation (Exhibit G to the Kessler Decl.);
- 8 • Chunghwa document CHU00030787-94, report and analysis of meeting of June 23,
9 1999, as well as Chunghwa's English translation (Exhibit H to the Kessler Decl.);
- 10 • Chunghwa document CHU00028933-45, report and analysis of meeting of May 29,
11 1995, as well as Chunghwa's English translation (Exhibit I to the Kessler Decl.);
- 12 • Chunghwa document CHU00028909-11, report and analysis of meeting of October
13 24, 1996, as well as Chunghwa's English translation (Exhibit J to the Kessler Decl.);
- 14 • Chunghwa document CHU00028749-51, report and analysis of meeting of March 19,
15 1997, as well as Chunghwa's English translation (Exhibit K to the Kessler Decl.);
- 16 • Chunghwa document CHU00031013-14, report and analysis of meeting of June 28,
17 2000, as well as Chunghwa's English translation (Exhibit L to the Kessler Decl.);
- 18 • Chunghwa document CHU00031051-55, report and analysis of meeting of September
19 21, 2000, as well as Chunghwa's English translation (Exhibit M to the Kessler Decl.);
- 20 • Chunghwa document CHU00031183-85, report and analysis of meeting of February
21 22, 2002, as well as Chunghwa's English translation (Exhibit N to the Kessler Decl.);
- 22 • Chunghwa document CHU00031240-47, report and analysis of meeting of March 25-
23 27, as well as Chunghwa's English translation (Exhibit O to the Kessler Decl.); and
- 24 • Chunghwa document CHU00031254, report and analysis of meeting of July 2, 2004,
25 as well as Chunghwa's English translation (Exhibit P to the Kessler Decl.).

1 3. The documents attached to Exhibit 8 of the Saveri Declaration, and listed as Exhibits
2 G through P of the Kessler Declaration, are designated by Chunghwa as "Confidential" pursuant to
3 the Stipulated Protective Order entered in this case (Dkt. No. 306).

4 4. Exhibit 8 of the Saveri Declaration contains excerpts and detailed summaries of
5 Chunghwa documents. These documents were previously filed as Exhibits A, C, E, and F of the
6 Kessler Declaration. The excerpts and detailed summaries of the Chunghwa documents appear at the
7 following locations, listed by page and line number of the Kessler Declaration:

- 8 • Exhibit A: 41:17-24; 42:2-21; 43:1-22, 24-26; 44:1-15, 17-21, 23-28; 45:1-3, 5-20, 23-
9 25; 46:1-3, 8-9, 11-13, 25-28; 47:1-8, 15-22, 24-28; 48:1-5, 8-11, 14-24, 25-28; 49:1-
10 3, 5-10, 12-14, 17-28; 50:1-5, 9-11, 15-16, 18-23; 51:2-5, 7-9.
- 11 • Exhibit C: 41:20-16; 42:2-21; 43:1-22, 24-26; 44:1-15, 17-21, 23-27; 45:1-3, 5-17, 21-
12 23; 46:1-3, 8-9, 11-13, 20-23, 26-27; 47:1-10, 18-25; 48:1-10, 14-17, 20-28; 49:1-3, 4-
13 18, 20-22, 25-27; 50:1-13, 17-20, 23-25, 26-27; 51:1-3, 10-14, 16-17.
- 14 • Exhibit E: 8:8-16, 18-26; 9:3-6, 8-14, 16-18, 20-26; 10:1-12, 16-19, 22-24, 25-27;
15 11:1-2, 9-12, 16-18, 21-24; 12:1-6, 9-12, 14-22, 24-27; 13:1-2, 4-8; 14: 4-7, 11-15, 20-
16 23; 16:16-21; 18:4-7; 22:12-20, 22-28; 23:1-3, 6-9, 11-16, 18-20, 22-27; 24:1-14, 18-
17 21, 25-27; 25:1-6, 13-15, 19-21, 24-27; 26:3-9, 12-15, 17-24, 27-28; 27:1-4; 7-11.
- 18 • Exhibit F: 8:3-11, 13-22, 26-28; 9:1, 3-10, 12-14, 16-27; 10:1-7, 11-14, 18-20, 21-25;
19 11:5-8, 12-14, 18-21, 26-28; 12:1-4, 8-11, 14-21, 24-28; 13:1, 4-8; 14:5-8, 12-16, 21-
20 24; 16:17-22; 18:4-7; 21:25-28; 22:1-6, 7-16, 20-22, 24-28; 23:1-3, 5-7, 9-27; 24:4-7,
21 11-13, 14-19, 26-27; 25:1-2, 5-7, 17-22, 26-27; 26:1-2, 4-12, 14-19, 21-25.

22 5. Exhibit 12 of the Saveri Declaration contains excerpts and detailed summaries of
23 Chunghwa documents at the following page and line numbers: 4:9-11, 16-22, 23-25; 14:6-28; and
24 15:1-10.

25 6. The page and line numbers identified herein of Exhibits 8 and 12 of the Saveri
26 Declaration refer to excerpts and summaries of documents that Chunghwa designated as
27 "Confidential" pursuant to the Stipulated Protective Order entered in this case (Dkt. No. 306).
28

1 Chunghwa designated these documents as “Confidential” because they are internal reports prepared
2 by Chunghwa employees for review and analysis by Chunghwa supervisors.

3 7. The Chunghwa documents quoted and summarized in the identified portions of
4 Exhibits 8 and 12 of the Saveri Declaration are reports that were prepared by Chunghwa employees
5 strictly for internal purposes. They consist of confidential, nonpublic, proprietary and highly
6 sensitive business information. They contain recommendations and analysis of sales, pricing, and
7 customer conditions that Chunghwa employees submitted for consideration by senior management,
8 as well as handwritten directions from senior management to Chunghwa employees regarding those
9 same topics. They are of the same nature and purpose as the full reports attached to Exhibit 8 of the
10 Saveri Declaration, which were previously filed as Exhibits G through P of the Kessler Declaration.

11 8. On information and belief, disclosure of the portions designated herein of Exhibits 8
12 and 12 of the Saveri Declaration would undermine Chunghwa's business relationships, cause it harm
13 with respect to its competitors and customers, and put Chunghwa at a competitive disadvantage.

15 I declare under penalty of perjury pursuant to the laws of the United States that the foregoing
16 statements are true and correct.

18 || Executed this 6th day of July 2011, at San Francisco, California.

By:

Jordan Heller

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